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TO RUEHC/SECSTATE WASHDC PRIORITY 7346
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 1026
RUEHNE/AMEMBASSY NEW DELHI 4576
RUEHUL/AMEMBASSY SEOUL 8116
RUEHKO/AMEMBASSY TOKYO 5677
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 3588
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 1436
RUEKJCS/SECDEF WASHDC
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S E C R E T SECTION 01 OF 02 RANGOON 000234

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STATE FOR EAP AND IO; PACOM FOR FPA

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: BURMA: DRAFT CONSTITUTION REVEALED AMIDST ABUSES

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

SUMMARY

11. (C) We have obtained what appears to be Burmese-language version of the regime's draft constitution. The draft essentially restated the National Convention's 104 basic principles but also granted immunity to the SPDC and ensured the status quo until the new parliament is convened. On March 27, approximately 20 people gathered in front of NLD headquarters in Rangoon for 15 minutes to demonstrate in favor of a vote "no" campaign. Police observed the small gathering but did not interfere. Human Rights activist U Myint Aye was assaulted last night as he waited for a taxi in Rangoon. He is in the hospital and we are trying to learn the extent of his injuries. Authorities have arrested two men in Taunggot, Rakhine State for distributing literature urging people to vote against the regime's constitution.

DRAFT CONSTITUTION

12. (C) The British Embassy obtained and shared what appears to be a Burmese-language version of the regime's draft constitution (emailed to EAP/MLS, Embassy Bangkok, and ConGen Chiang Mai). We are seeking to verify the 194-page document's authenticity. While it looks to be a restatement of the 104 basic principles published after the National Convention, we have noticed a few noteworthy differences. Most significantly, whereas the basic principles provided that the constitution would come into force after its approval by a majority of eligible voters, the draft constitution states the charter will only take effect after the new parliament is convened. Additionally, the draft constitution specifically grants immunity to all SLORC and SPDC members for any "official actions" taken while in office. Dr. Soe Yin, a member of the constitutional drafting committee told us he believed an English-language version would be released soon, possibly before the water festival in mid-April.

13. (S/NF) The Australian Ambassador told us he had a copy of the draft constitution but could only pass it to us through

intelligence channels.

SMALL PROTEST

¶4. (C) On March 27, approximately 20 people gathered in front of NLD headquarters in Rangoon for 15 minutes to demonstrate in favor of a vote "no" campaign. Some of the demonstrators wore t-shirts and carried pamphlets which bore vote "no" slogans. NLD spokesman U Nyan Win reported that the crowd consisted of both NLD members and non-members. Special Branch police, who are normally posted across from NLD headquarters, observed but did not interfere with the gathering. The demonstration was held a little over one hour before an NLD ceremony to mark Resistance Day, or Armed Forces Day as the regime calls it. The crowd had completely dispersed by the time the ceremony began at 1:00 p.m.

MYINT AYE ASSAULTED

¶5. (C) Human Rights activist U Myint Aye was assaulted the evening of March 27. Our sources reported an unknown number of men in plain clothes attacked him as he waited for a taxi in Sanchaung township in Rangoon. Neighbors reported U Myint Aye's family left home this morning and had not returned since. Our contacts informed us that the human rights activist was brought to Rangoon General Hospital after the attack but did not know extent of his injuries. U Myint Aye is the leader of Human Rights Defenders and Promoters whose members document human rights abuses throughout Burma. He is a good and reliable contact of ours and has remained active in the human rights movement despite the constant threat of

RANGOON 00000234 002 OF 002

arrest.

ARRESTS

¶6. (C) Taunggot NLD member Moe Naing Soe informed us that authorities arrested Ko Aung Naing Min and Ko Than Htay on March 27 in Taunggot, Rakhine State. According to the NLD, the two men, who are not NLD members, were arrested for distributing pamphlets urging people to vote "no" in the May referendum. Police have not yet charged the men, who were being held at the Taunggot police station. One of the two men, Ko Than Htay, was arrested in January 2008 for staging a two-man bicycle protest in Taunggot, but was recently released.

COMMENT

¶7. (C) If the draft constitution we received is genuine, it confirms our view of the process as a sham. The draft does not address any of the concerns raised by the pro-democracy activists or ethnic minorities, including cease-fire groups who actually participated in the national convention.

¶8. (C) Since a Burmese draft has been distributed to civil servants, we have reason to believe the draft constitution we received from the British to be authentic. Washington can request the Australians to share their copy as well, as a check. Then we recommend that the document be distributed widely to the shortwave radio broadcasters VOA, RFA, DVB, and BBC to begin intensive public education campaigns about the proposed constitution. This will reach the greatest number of Burmese throughout the country, including remote rural areas. We would also appreciate Washington arranging to translate the document into English.

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